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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,906

07/02/2004

Ole Petter Wullum

OPA 322

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EXAMINER

WHITE, RODNEY BARNETT

ART UNIT

PAPER NUMBER

3636

MAIL DATE

DELIVERY MODE

05/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/500,906	Applicant(s) WULLUM, OLE PETTER	
	Examiner Rodney B. White	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's arguments with respect to claims 11-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, lines 10-11, it is unclear as to whether or not Applicant intends to claim the "mobile joint" in combination with the "seat device". On lines 1-2 of claim 11, Applicant claims "A mobile joint (1) for a seating construction for mounting between a seat device (100)". However, on lines 10-11, the language "mounted in a first end to the seat device" results in a claim that is positively claiming the "seat device" since the "second joint element" is directly "mounted in a first end to the seat device" when the preamble of the claim suggests that the "seat device" is not part of the invention. Applicant does not positively claim the chair or its parts until claim 23.

On line 7, should "users" have been - - user's - - instead?

On line 8, should "mounted in a first end" be - - mounted at a first end - - instead?

Also, in claim 11, lines 4 and 14, and claim 22 Applicant uses language such as "may be pivoted", "may assume a stable tilting position", and "may be locked. Such language reads as if Applicant is unsure of his invention or that the invention may or may not perform or work as being claimed. Applicant should use more positive language such as - - is pivoted - - or - - assumes a stable tilting position - -.

In claim 16, are the "stoppers" actually rotational, as in they rotate on an axis or does applicant they stop or pad the rotation of the mobile joints?

Applicant should also rid the claims of the "characterized in that" language.

The aforementioned problems render the claims vague and indefinite.

Clarification and/or correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-18 and 20-23, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Piretti (U.S. Patent No. 4,909,472)

Piretti teaches a chair comprising a mobile joint (4) for a seating construction for mounting between a seat device (1) of a seating construction and a support (5) for said seat device (1), comprising at least two joint elements (8,9) wherein each joint element may be pivoted to a limited degree in relation to each joint element that it is connected to, permitting the mobile joint (4) to pivot between two extreme positions in order to allow a tilting movement of the seat device (1), effected by the users weight displacement, characterized in that it contains a first joint element (8) mounted at a first end to the support (5) and in a second end only mounted pivotal to a first end of a middle joint element (10) in a first rotational axis (11), and further containing a second joint element (9) mounted in a first end to the seat device (1) and in the second end only mounted pivotal to a second end of the middle joint element (10) in a second rotational axis (12), wherein the said rotational axes (11,12) are horizontally displaced in relation to each other, and whereby the joint (4) may assume a stable tilting position between the two extreme positions, the middle joint element (10) consists of a number of joint sub-elements, wherein the mobile joint (4) may take a number of additional stable tilting positions between the two extreme positions, the horizontal distance between the rotational axes (11,12) is about 5-15 cm, the tilted positions of each joint element are restricted by pairs of reciprocally cooperating fitting surfaces (See Figures 3-5) where each pair of reciprocally cooperating fitting surfaces is configured to abut when a joint element is pivoted to a desired point, thereby hindering further movement of the joint element, one or both members of a pair of cooperating fitting surfaces are equipped with rotational stoppers (44,46) configured to dampen the impact of the pair of

cooperating fitting surface, at least two of the joint elements are spring-loaded in relation to each other, the spring-load is created by a spring coil 13a, 13b, 14a, the spring load is adjustable by knob 37 (See column 5, lines 14-16), the first and second joint elements have different spring-loads in relation to the middle joint element, the first and second joint elements have different spring-loads in relation to the middle joint element, at least two joint elements "may" be locked in relation to each other.

Claims 11, 17-20, and 22-23, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Locher (U.S. Patent No. 5,209,548)

Locher teaches a chair comprising a mobile joint (100) for a seating construction for mounting between a seat device (75) of a seating construction and a support (10) for said seat device (75), comprising at least two joint elements (65,67) wherein each joint element may be pivoted to a limited degree in relation to each joint element that it is connected to, permitting the mobile joint (100) to pivot between two extreme positions in order to allow a tilting movement of the seat device (75), effected by the users weight displacement, characterized in that it contains a first joint element (65) mounted at a first end to the support (10) and in a second end only mounted pivotal to a first end of a middle joint element (68) in a first rotational axis (64), and further containing a second joint element (67) mounted in a first end to the seat device (1) and in the second end only mounted pivotal to a second end of the middle joint element (68) in a second rotational axis (63), wherein the said rotational axes (63,64) are horizontally displaced in relation to each other, and whereby the joint (100) may assume a stable tilting position

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between the two extreme positions, at least two of the joint elements are spring-loaded in relation to each other, the spring-load is created by a torsion spring 45, the spring load is adjustable (See column 1, lines 26-35), at least two joint elements "may" be locked in relation to each other.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

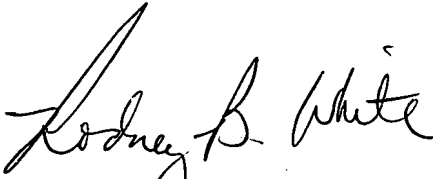
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rodney B. White,
Patent Examiner
Art Unit 3636
April 30, 2007



RODNEY B. WHITE
PRIMARY EXAMINER